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*Electronically Filed - March 1, 2007*

Attorneys for Lenders Protection Group

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

—ooOoo—

In re:  
USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case Nos.:  
BK-S-06-10725-LBR  
BK-S-06-10726-LBR  
BK-S-06-10727-LBR  
BK-S-06-10728-LBR  
BK-S-06-10729-LBR

In re:  
USA CAPITAL REALTY ADVISORS,  
LLC,

Debtor.

JOINTLY ADMINISTERED  
Chapter 11  
Hearing Date: March 1, 2007  
Hearing Time: 9:30 a.m.

In re:  
USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

Debtor.

**DECLARATION OF ARTHUR I.  
KRISS IN SUPPORT OF MOTION  
FOR LIMITED STAY PENDING  
APPEAL**

In re:  
USA FIRST TRUST DEED FUND, LLC,

Debtor.

In re: USA SECURITIES, LLC,  
Debtor.

Affects: All Debtors

I, ARTHUR I. KRISS, being first duly sworn, do depose and say under the penalty of perjury:

1. I am a creditor in the USA Commercial Mortgage Company ("USACM") bankruptcy case (BK-S-06-10725-LBR) with claims classified as A-4 (General Unsecured Claims) and A-5 (Direct Lender Compromise Claims) classified in Debtors' Third Amended Joint Chapter 11 Plan of Reorganization filed herein on November 15, 2006.

2. I have knowledge of and am competent to testify to the matters stated herein.

3. Attached hereto as Exhibit A are true and correct copies of the loan summary statement which I received from the Debtor.

4. As detailed in Exhibit A, the Debtors have taken and are holding my property, namely portions of post-petition payments made by third-party borrowers to me as a lender, which payments are processed by Debtor USACM, as a loan servicer.

I hereby swear under penalty of perjury that the assertions of this Declaration are true.

DATED: February 28, 2007

Trust Company of the Pacific, Custodian for  
ARTHUR I. KRISS, IRA

Legal Vesting Name

By: Arthur I. Kriss  
Name

2398 W 1050 N  
HURRICANE, UT 84737

SEE ATTACHMENT A.

declaration

**USA Commerical Mortgage Company ("USA")**

as Loan Servicing Agent for

**Anchor B, LLC**

6/2/2005 - 4/12/2006

*Attachment A*

THIS STATEMENT REFLECTS THE STATUS THROUGH THE BANKRUPTCY PETITION DATE.  
CURRENT STATEMENTS WILL BE MAILED TO YOU SOON.

Vesting Name: Trust Company of the Pacific Custodian for Arthur I. Kriss IRA  
Address: ARTHUR I KRISS IRA  
C/O TRUST COMPANY PACIFIC CUSTODIAN  
2398 W 1050 N  
HURRICANE, UT 84737-3110

Client ID: 1418

Performance Evaluation: Non-Performing

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1. Original Principal Investment	\$120,000
2. Principal Investment Assigned Out	<u>0</u>
3. Net Principal Investment	\$120,000
4. Principal Payments Made by Borrower to USA	\$0
5. Principal Payments Remitted by USA to Lender	<u>0</u>
6. Principal Payments Unremitted by USA to Lender	\$0
7. Interest Paid to USA by Borrower, net of service fee	\$0
8. Interest Remitted or Advanced by USA to Lender	<u>10,880</u>
9. Interest Due to (from) Lender	(\$10,880)
10. Unremitted Principal held in Collection Account	\$0 *
11. Interest Due to (from) Lender	<u>(10,880)</u>
12. Net Amount Currently Due to (from) Lender	(\$10,880)
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13. Unremitted Principal not held in Collection Account	\$0
14. Interest Unpaid to USA by Borrower, net of service fee	\$12,600

\* Undetermined at Filing

The interest amounts assume a simple interest calculation.

This statement is provided for information purposes only and is intended for the sole benefit of the named vested party. This statement is not intended to represent a loan payoff quote. USA reserves the right to update and supplement this statement.

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Prepared by MFIM, LLC

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CURRENT STATEMENTS WILL BE MAILED TO YOU SOON.

*A*